



Paper No. 12

Stephen A. Becker
McDermott, Will & Emery
600 13th Street, N.W.
Washington, DC 20005-8087

RECEIVED

JAN 26 2004

Technology Center 2100

In re Application of: Shigeki Ohbayashi)	
Application No. 09/196,136)	
Filed: November 20, 1998)	DECISION ON PETITION UNDER 37
For: SEMICONDUCTOR INTEGRATED)	C.F.R. § 1.181 TO WITHDRAW
CIRCUIT HAVING BONDING)	HOLDING OF ABANDONMENT
OPTIONAL FUNCTION)	

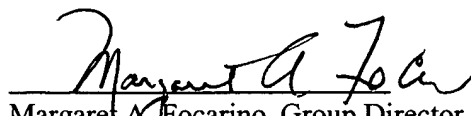
This is a decision on the Request for Reconsideration filed June 19, 2003 in response to the decision (Paper No. 10, mailed September 9, 2002) Denying Applicant's petition under 37 C.F.R. § 1.181 requesting the Withdrawal of the Holding of Abandonment. (See MPEP § 711.03(c)).

This application was held abandoned for failure to timely file a proper reply to the Office Action of mail date January 19, 2001 and remail date August 16, 2001. A Notice of Abandonment was mailed on April 18, 2002.

In the absence of any apparent irregularity associated with the mailing of an Office communication, the Office may presume that the communication was properly mailed to the address of record. This presumption may be overcome by showing that the Office communication was not received.

Inspection of the instant file reveals USPTO receipt of the returned Office action mailed January 19, 2001 and remailed August 16, 2001. This evidence independently corroborates that the Office action was not received by applicants at the address to which it was mailed. *See, Ex Pate Gourtoff*, 1924 C.D. 153 (Comm'r Pat. 1924). The presence of the returned mailings in the file rebuts any presumption of proper mailing and receipt of the action.

The petition is **GRANTED**. The abandonment is **WITHDRAWN**. The application file is being forwarded to the Technology Center support staff. The Office action of January 19, 2001 will be remailed to the address noted above with the three month Shortened Statutory Period restarted to run from the date of the remailing.


Margaret A. Focarino, Group Director
Technology Center 2100
Computer Architecture, Software, and Information Security